



PUBLIC NOTICE

Federal Communications Commission
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WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON SPECTRUM NETWORKS GROUP, LLC APPLICATIONS AND WAIVER REQUEST TO ALLOW IT TO PROVIDE PRIVATE, INTERNAL MACHINE-TO-MACHINE COMMUNICATIONS TO BUSINESSES ON 900 MHz BUSINESS/INDUSTRIAL/LAND TRANSPORTATION CHANNELS

WT Docket No. 14-100

Comment Date: July 30, 2014

Reply Date: August 11, 2014

Between October 21 and December 2, 2013, Spectrum Networks Group, LLC (SNG) filed twelve applications for 896-901/935-940 MHz (900 MHz) Business/Industrial/Land Transportation (B/ILT) Pool channels at various locations.¹ Between March 14 and March 18, 2014, SNG filed ninety-nine additional applications for 900 MHz B/ILT channels at various locations.² With the latter group of applications, SNG filed a request for waiver of Section 90.617(c) of the Commission's Rules, which provides that Specialized Mobile Radio (SMR) systems will not be authorized on 900 MHz B/ILT channels.³

SMR systems are defined as those "in which licensees provide land mobile communications services (other than radiolocation services) in the 800 MHz and 900 MHz bands on a commercial basis to

¹ FCC File Nos. 0005974432, 0005974434, 0005974435, 0005974741, 0005981686, 0005981690, 0005981692, 0005983155, 0005983162, 0005989998, 0006038074, 0006038080. Application FCC File No. 0005989998 was withdrawn on March 4, 2014.

² FCC File Nos. 0006201203, 0006201205, 0006201206, 0006201208, 0006201210, 0006201211, 0006201213, 0006201214, 0006201216, 0006201217, 0006201220, 0006201221, 0006201222, 0006201223, 0006201224, 0006201226, 0006201227, 0006201229, 0006201230, 0006201231, 0006201232, 0006201233, 0006201234, 0006201235, 0006201237, 0006201238, 0006201239, 0006201240, 0006201241, 0006201242, 0006201243, 0006201244, 0006201371, 0006201372, 0006201373, 0006201375, 0006201376, 0006201377, 0006201378, 0006201379, 0006201380, 0006201381, 0006201382, 0006201383, 0006201384, 0006201385, 0006201386, 0006201387, 0006201389, 0006201390, 0006201391, 0006201392, 0006201393, 0006201394, 0006201395, 0006201396, 0006201397, 0006201398, 0006201400, 0006201401, 0006202421, 0006202425, 0006202430, 0006202434, 0006202441, 0006202446, 0006202451, 0006202454, 0006202458, 0006202461, 0006202464, 0006202471, 0006202475, 0006203109, 0006203115, 0006203116, 0006203118, 0006203119, 0006203121, 0006203122, 0006203124, 0006203126, 0006203132, 0006203134, 0006203135, 0006203136, 0006203137, 0006203139, 0006203140, 0006203141, 0006203144, 0006203145, 0006203146, 0006203147, 0006203148, 0006204656, 0006204657, 0006204660, 0006204662.

³ 47 C.F.R. § 90.617(c).

entities eligible to be licensed under this part, Federal Government entities, and individuals.”⁴ SNG states that it intends to build a network using 900 MHz B/ILT channels to provide communications services to business for their private, internal machine-to-machine communications needs, and to provide service only to Part 90 eligible businesses (and not Federal Government entities or individuals).⁵ It contends that this is permitted by Section 90.617, but it seeks a waiver to the extent that the rules are unclear in this regard.⁶ SNG argues that a waiver is warranted because its proposed network will permit SNG to assist in bringing about the machine-to-machine revolution by providing such services on channels no wider than needed and using fallow B/ILT channels solely for B/ILT purposes without diverting them from the B/ILT Pool.⁷

On January 6, 2014, Enterprise Wireless Alliance (EWA) filed an informal opposition to SNG’s 2013 applications, arguing that the applications proposed a prohibited SMR service.⁸ On April 8, 2014, EWA filed an informal opposition to SNG’s 2014 applications making the same argument and opposing the waiver request on the grounds that grant would remove the spectrum from the scarce pool of available 900 MHz frequencies and establish precedent that would undermine the rule with an unproven business plan.⁹ SNG filed a reply on April 23, 2014, maintaining that its applications for spectrum are not speculative, and that EWA’s opposition is undermined by its role as a frequency coordinator.¹⁰ SNG submitted a supplemental filing on June 24, 2014, further detailing the plans for its network, and committing to meeting specific loading requirements and to limit its total channel aggregation even after those loading requirements are met.¹¹

This *Public Notice* seeks comment on the applications and associated waiver request.

Procedural Matters

⁴ See 47 C.F.R. § 90.7.

⁵ See Request for Waiver at 1-2. SNG is willing to accept a condition on its licenses that the channels may be used only for the private, internal communications needs of Part 90 eligible users. See *id.* at 5-6.

⁶ See *id.* at 2-3.

⁷ See *id.* at 4-6.

⁸ Letter from Mark E. Crosby, President/CEO, Enterprise Wireless Alliance to Marlene H. Dortch, Secretary, FCC (filed Jan. 6, 2014). EWA also objected to similar applications filed by other parties. See FCC File Nos. 0005974431, 0005974433, 0004974740, and 0006038081 (filed by Sharmel, LLC); 0005974742 and 0005981684 (filed by Finken Tracking & Comm, Inc.); 0005983156 and 0005987126 (filed by CCD900 Communications, Inc.); 0005987130, 0006038055, 0006038058, 0006038059, 0006038062, 0006038063, 0006038065, 0006038066, 0006038069, 0006038071, 0006038072, 0006039615, 0006039616, 0006039617, 0006039620, 0006039622, 0006039624, 0006039627, 0006039628, and 0006039629 (filed by Matly, Inc.); 0006037076, 0006038077, and 0006038078 (filed by EZ-Raven Comms, LLC); and 0006038075 (filed by Mellcell, Inc.). Application FCC File No. 0006037136 was withdrawn on March 4, 2014.

⁹ Letter from Mark E. Crosby, President/CEO, Enterprise Wireless Alliance to Marlene H. Dortch, Secretary, FCC (filed Apr. 8, 2014).

¹⁰ Reply to EWA’s Opposition, FCC File No. 0006203140 *et al.* (filed Apr. 23, 2014).

¹¹ Letter from Pantelis Michalopoulos and Christopher Bjornson, Counsel to Spectrum Networks Group, LLC and M2M Spectrum Networks, LLC to Marlene H. Dortch, Secretary, FCC (filed June 24, 2014). While the supplement indicates that it pertains only to SNG’s 2014 applications, SNG also filed it in the Universal Licensing System under its 2013 applications.

Interested parties may file comments and reply comments in response to the applications and waiver requests on or before the dates listed on the first page of this *Public Notice*. All pleadings must reference WT Docket No. 14-100. Parties may file comments using (1) the Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies.¹²

- Electronic Filers: File comments electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/> or the Federal eRulemaking Portal: <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.
- In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.
- Paper Filers: Parties who choose to file by paper must file an original and two copies of each filing.

Send filings by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. Address filings to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- Deliver hand-delivered or messenger-delivered paper filings to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554 between 8:00 p.m. and 7:00 p.m. Use rubber bands or fasteners to hold deliveries together. Dispose of all envelopes before entering the building.
- Send commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- Send U.S. Postal Service first-class, Express, and Priority mail to 445 12th Street, SW, Washington DC 20554.

Parties are requested to send one copy of their comments and reply comments to Best Copy and Printing, Inc., Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, (800) 378-3160, e-mail FCC@BCPIWEB.com.

The requests, pleadings, and comments and reply comments filed in response to this *Public Notice* are available for viewing via the Commission's Electronic Comment Filing System (ECFS), <http://www.fcc.gov/cgb/ecfs>, by entering the docket number, WT 14-100. The documents also will be available for public inspection and copying during business hours in the FCC Reference Information Center, Portals II, 445 12th Street S.W., Room CY-A257, Washington, D.C. 20554. They may also be purchased from Best Copy and Printing, Inc., telephone (800) 378-3160, facsimile (202) 488-5563, TTY (202) 488-5562, e-mail FCC@BCPIWEB.com.

Alternate formats of this *Public Notice* (computer diskette, large print, audio recording, and Braille) are available to persons with disabilities by contacting the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY), or send an e-mail to fcc504@fcc.gov.

¹² See Electronic Filing of Documents in Rulemaking Proceedings, *Report and Order*, GC Docket No. 97-113, 13 FCC Rcd 11322 (1998).

This proceeding has been designated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.¹³ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter’s written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission’s *ex parte* rules.

For further information, contact Mr. Paul Moon of the Wireless Telecommunications Bureau, Mobility Division, at (202) 418-1793, Paul.Moon@fcc.gov.

Action by the Deputy Chief, Mobility Division, Wireless Telecommunications Bureau.

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¹³ See 47 C.F.R. §§ 1.1200(a), 1.1206.